

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO.
)	1:07cr126
DONNIE ROY REEVES)	

ORDER

This case is now before the court on defendant Donnie Roy Reeves's motion to continue trial. In light of the fact that the government has no objections to the continuance motion and for the reasons set forth below, the court concludes that the continuance motion should be granted.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir.), cert. denied, 479 U.S. 823 (1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an ... indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the ... indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

18 U.S.C. § 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The court concludes that, in this case, a continuance is necessary. The change of plea deadline is currently scheduled for January 11, 2008, and trial is currently scheduled for February 11, 2008, but Reeves's cooperation with the government is not yet complete. Thus, the ends of justice served by granting a continuance outweigh the interest of the public and Reeves in a speedy trial.

Accordingly, it is ORDERED as follows:

(1) Defendant Donnie Roy Reeves's motion to continue
(Doc. No. 18) is granted.

(2) Defendant Reeves's trial and jury selection are
continued to the criminal term of court
commencing July 21, 2008, at 10:00 a.m. at the
federal courthouse in Dothan, Alabama.

DONE, this the 9th day of January, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE